United Nations A/HRC/27/43

General Assembly

Distr.: General
15 August 2014

Original: English

Human Rights Council
Twenty-seventh session
Agenda items 2 and 10
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Technical assistance and capacity-building

Role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights

Report of the Secretary-General

Summary

The present report is submitted pursuant to Human Rights Council resolution 24/29, in which the Council requested the Secretary-General to report to Council at its twenty-seventh session on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights.

GE.14-13222 (E)

1413222

Please recycle

Contents

		Paragraphs	*Page*
I.	Introduction	1–11	3
II.	Widening the democratic space	12–21	5
III.	Promoting the rule of law	22–32	7
IV.	Protecting economic and social rights	33–45	9
V.	Supporting prison reform	46–56	12
VI.	Public information and human rights education	57–61	15
VII.	Supporting engagement with the international human rights mechanisms	62–70	16

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 24/29. It describes the activities of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Cambodia from 1 June 2013 to 31 May 2014. It covers the period from 1 July 2013 to 30 June 2014.

2. The OHCHR presence in Cambodia, originally established by the Commission on Human Rights resolution 1993/6, continued to provide assistance to the Government and the people of Cambodia in promoting and respecting human rights in five key areas: prison reform; fundamental freedoms; economic and social rights; rule of law, including through the promotion of the legacy of the Extraordinary Chambers in the Courts of Cambodia; and public information and human rights education. Its work on the issue of business and human rights was also expanded.

3. The past year was largely coloured by the elections to the National Assembly, held on 28 July 2013. According to the official results, the ruling Cambodian People's Party won 68 seats and the main opposition Cambodia National Rescue Party won 55. The Cambodia National Rescue Party contested the results, however, and boycotted its seats in the National Assembly, calling for reforms to the electoral body and negotiations on leadership positions within the Assembly. The Cambodian People's Party publicly pledged to undertake wide-ranging reforms, including in the areas of justice, public administration and election management. With the political stalemate unresolved, the Assembly officially opened on 23 September, with only the Cambodian People's Party's Members of Parliament in attendance. The Assembly proceeded to approve the newly formed Government and the State budget.

4. The human rights situation during the reporting period was profoundly affected by the political situation. Negotiations between the two parties, which at times appeared close to a resolution, took place on and off but remained unresolved at the time of drafting. Over this period, Cambodia witnessed a wave of demonstrations that was unprecedented in number and scale. Throughout the campaigning period preceding the July elections, motorized campaign rallies organized by the two main parties were daily occurrences in the capital. On 19 July, the opposition leader Sam Rainsy had returned to Cambodia from self-imposed exile and was greeted by a crowd in the tens of thousands. Demonstrations continued nationwide, and particularly in Phnom Penh, in the weeks and months following the elections. Demonstrations gathered momentum towards the end of 2013. Those by the political opposition coincided with calls within the labour movement for an increase in the minimum wage in the garment industry, the leading export sector. The year ended with the political demonstrations converging with nationwide strikes by tens of thousands of garment sector workers calling for a substantial increase in the minimum wage.

5. The reaction of the authorities to demonstrations throughout 2013 was for the most part tolerant, with the rights to freedom of expression and peaceful assembly generally being respected and demonstrations permitted to proceed. There were tragic exceptions to this general rule, however, involving the use of live ammunition and the deaths or serious injury of demonstrators and bystanders on 15 September and on 12 November 2013.

6. The generally tolerant approach of the Government toward the demonstrations changed sharply at the start of 2014. On 2 January 2014, security forces intervened violently at an overall peaceful demonstration outside a factory on the outskirts of Phnom Penh, beating people and eventually arresting 10 men. The following day, another 13 individuals were arrested and the authorities used live ammunition — killing at least four individuals and injuring scores more — to suppress a demonstration that had turned

violent in an industrial area. A fifth person eventually succumbed to injuries incurred that day and a sixth individual, a 16-year-old boy, has not been seen since 3 January, when he was allegedly shot in the chest. On 4 January, security forces in Phnom Penh cleared demonstrators from Freedom Park, a designated area for demonstrations, while the Ministry of Interior issued a press statement explaining that demonstrations were "provisionally suspended until the public security and order return to normal". While the political negotiations between the two parties continued, the pace and scale of demonstrations was much reduced, with some allowed to proceed while others were suppressed. It is therefore unclear whether the ban on demonstrations remains in place. Scores of criminal complaints were filed against the leaders of the unions that had backed the December-January strikes. Later in 2014, there was an upturn of judicial intimidation of union activists in relation to other labour actions.

7. Meanwhile, the Government has proceeded to draw up key laws and submit them to the Parliament without public disclosure of their contents, and thus without public consultation or debate. They include three fundamental laws on the judiciary (on the organization of courts, on the Supreme Council of Magistracy and on the status of judges and prosecutors), the contents of which as adopted by Parliament would entrench in law the lack of independence of the judiciary. Other draft laws critical for human rights, including draft laws on associations and non-governmental organizations (NGOs) and on cybercrime, are reportedly being developed with the same lack of transparency. From the information that it has been possible to obtain, several draft laws would appear to contain restrictive provisions that could inhibit the enjoyment of human rights. At the same time, a draft law on environmental impact assessments is undergoing consultation and public pledges have been made that a future draft on freedom of information will also be prepared through wide participation, including of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and OHCHR.

8. The past year witnessed a significant, although seemingly temporary, widening of the democratic space. After the July 2013 elections, and prior to the events of January 2014, freedom of expression was enjoyed on a larger scale than ever seen in recent history. For the first time in decades, a viable opposition party gained a significant number of seats in the National Assembly. Promises of reform may lead to a system of some checks and balances in the governance structure of the nation. Decentralization is moving ahead and anecdotal signs indicate that local governance structures may be becoming more responsive than they have been in the past. Positive measures taken in 2014 by the Phnom Penh municipality to engage groups of families who had been evicted from their lands and homes — many of whom are still subject to violence and the withholding of basic social services — hold promise for a resolution to these long-standing disputes.

9. It remains to be seen, however, whether meaningful reform will take place. At present, the three pillars of Government (legislative, executive and judiciary) remain under the control of the ruling party. Physical attacks by security forces, including by private security groups, against journalists spiked in 2014. The fatalities and injuries caused by State forces during demonstrations over the past year have not been investigated or resolved.

10. In the meantime, serious ongoing human rights concerns continued to demand attention, particularly with respect to land and housing rights. An unabated number of alleged victims of land-grabbing or forced evictions, whether indigenous groups, whole villages, communities or individual families, have sought interventions and requested monitoring and protection from OHCHR.

11. In that delicate context, OHCHR continued its most significant technical cooperation activities, as well as activities aimed at capacity-building and public awareness-raising. It enjoyed a generally good level of cooperation with the national State institutions during much of the year, particularly at the working level, and with the Phnom Penh municipality.

In February 2014, its Memorandum of Understanding with the Government was renewed for another two years until 31 December 2015. In 2014, several long-running programmes yielded significant achievements in the professionalization of key groups of public servants, particularly in securing a separate legal status and setting out specific training requirements for prison staff and in requiring for the first time all judges to set out their legal reasoning when taking decisions on pretrial detention. In addition, agreement has been reached with the Bar Association that all new trainee lawyers joining the association will henceforth be obliged to receive training on fair trial rights, thereby institutionalizing the Fair Trial Rights Academy that has been delivered by OHCHR.

II. Widening the democratic space

12. The past year has been one in which one of the key components of a vibrant democracy — an engaged and informed electorate free to express its views — has clearly emerged. OHCHR continued its support for strengthening the capacity of individuals and organizations to exercise their rights to freedom of expression, opinion and association, and to peaceful assembly.

13. First, throughout the reporting period, OHCHR monitored demonstrations in Phnom Penh and the provinces, including rallies by the political parties in advance of the elections, demonstrations by the opposition following the elections, demonstrations by unions and factory workers, as well as other protests. The frequency of demonstrations increased throughout 2013, culminating in daily rallies by the political opposition in December and a nationwide strike organized by unions, joined by garment sector workers.

14. In 2014, although much reduced in scale and frequency, demonstrations in Phnom Penh continued to be organized by the political opposition, trade unions and other civil society and community activists. For the most part, the authorities sought to prevent them from proceeding, including through the use of roadblocks and barricades around the city's Freedom Park, and to disperse, often violently, groups as they congregated. Throughout 2014, the authorities instituted a practice of arresting small numbers of demonstrators or organizers and detaining them for short periods, releasing them once they put their thumbprint on documents stating they would not henceforth take part in or organize further demonstrations. OHCHR raised the matter repeatedly with the Government.

15. Second, OHCHR contributed to widening the democratic space by seeking to mediate, wherever necessary and possible, between the authorities and organizers to ensure that demonstrations could take place peacefully and in conformity with domestic and international human rights law. For example, on 30 December 2013, OHCHR mediated between union representatives and Phnom Penh police in an effort to facilitate a demonstration by 5,000 striking garment workers who had marched from the Ministry of Labour and Vocational Training to the Council of Ministers to deliver a demand that the Government increase the minimum wage.

16. When violence occurred at protests or a threat of violence was evident, OHCHR followed its standard approach of trying to calm the situation through discussion with the authorities and demonstration organizers and often succeeded. Despite extended periods during which the authorities showed a positive attitude towards the rights to freedom of expression and peaceful assembly, a number of demonstrations ended in violence, including on three occasions when lethal force was used by the authorities. In such instances, OHCHR monitors sought to reinforce with the authorities the requirements of necessity, legality and proportionality in any use of force. Where demonstrations resulted in violence, OHCHR also assisted authorities and non-governmental actors in seeking to ensure that those injured received medical treatment. On several occasions when demonstrators were

arbitrarily detained by the authorities, OHCHR sought the release of detainees or access to legal representation and medical care, as needed.

17. Third, OHCHR also continued to promote the right to freedom of peaceful assembly through a range of capacity-building activities. The main activity has been the training of civil society on the Law on Peaceful Demonstration, based on the "Implementation Guide to the Law on Peaceful Demonstration",[1] which the Ministry of Interior and OHCHR had jointly drafted in 2010. A variety of training sessions on the law were delivered to NGO staff, trade union activists, environmental activists, lesbian, gay, bisexual and transgender rights activists, and journalists working on issues relating to freedom of expression and assembly. In addition, OHCHR organized a one-day training session entitled "Methodology for Monitoring the Right to Peaceful Assembly" in September 2013.

18. OHCHR published an information leaflet which sets out the basic procedural requirements for demonstration organizers and the obligations of the provincial/municipal authorities under the Law on Peaceful Demonstration. The leaflet is a single-page, folding document, designed to fit into a pocket, which demonstration organizers, monitors, and members of the authorities could carry on them. In March 2014, OHCHR began disseminating the leaflet, in English and Khmer, to civil society organizations nationwide. A total of 4,000 copies were circulated by the end of the reporting period.

19. Fourth, OHCHR fulfilled its protection mandate to human rights defenders by monitoring individual cases as they arose and advocating with the relevant authorities to respect the rights of those concerned. In this connection, OHCHR continued to monitor the use of the criminal justice system to penalize the exercise of fundamental freedoms and to punish human rights defenders for legitimate work undertaken for the promotion and protection of human rights. OHCHR observed the increased resort to criminal charges against human rights defenders — most notably union activists on the basis of incitement to violence — towards the end of the reporting period. The particularly high-profile cases against 25 individuals prosecuted in relation to protests in November and January were closely followed by OHCHR, along with many national and international observers, which eventually concluded with convictions with suspended sentences.

20. Fifth, OHCHR continued to monitor legislative developments that could impact on human rights. OHCHR consistently called on the relevant ministries and the Parliament to publicly release draft laws and to integrate consultations with stakeholders into the law-making process. A draft cybercrimes law with the potential to restrict freedom of expression on the Internet was reportedly revived for enactment; there is no official information as to the status of this draft law. Similar levels of uncertainty prevail as to the existence of a fifth version of the draft law on associations and NGOs. In May 2014, the Office observed a tripartite consultation hosted by the Minister of Labour on the draft trade union law with support from the International Labour Organization (ILO). While the most recent version of the draft law was shared at that consultation, the suggestions of independent external expertise, including from ILO, were reflected therein.

21. Finally, OHCHR continued to promote public awareness of fundamental freedoms. In 2013, it launched a radio show series designed to raise awareness and understanding of the rights to freedom of expression, association and assembly, in partnership with the Cambodian Center for Independent Media.

[1] Available from http://cambodia.ohchr.org/EN/PagesFiles/The_right_peaceful_assembly.htm.

III. Promoting the rule of law

22. The OHCHR Rule of Law Programme in the country is aimed at supporting the legal and judicial reform process. The Programme works with a range of actors involved in the criminal justice system, mainly the Ministry of Justice, judges and prosecutors at all levels of the court system, lawyers and judicial police officers. The level of cooperation with the Ministry of Justice, and consequently with judges and prosecutors, has remained generally good, with many activities co-organized with the Ministry.

23. During the reporting period, OHCHR assumed the role of facilitator of the development partners of the Technical Working Group on legal and judicial reform. In this role, OHCHR works directly with the Ministry of Justice, which has responsibility within the Government for this sector. Technical working groups are the mechanisms for coordinating government-development partners in Cambodia and are organized along sectoral lines. In its role as development partners' coordinator, OHCHR organized regular meetings of the group and coordinated inputs to the Government. In particular, OHCHR coordinated and submitted comments on the draft National Strategic Development Plan, 2014–2018. Some of the comments were integrated in subsequent versions of the plan. OHCHR took the lead in proposing new joint monitoring indicators to the Government, which remain to be jointly agreed. Following an 18-month period during which no meeting of the Technical Working Group on legal and judicial reform was convened between the Government and its development partners, the Ministry of Justice agreed to meet with development partners in March 2014, in a meeting co-chaired by OHCHR.

24. After the July 2013 elections, it was announced the three fundamental laws on the judiciary would be adopted within the first six months of the new legislature. The draft laws had been pending for many years. They were finalized by the Ministry of Justice, sent to the Council of Ministers for approval and then to the National Assembly for adoption, without being shared publicly. Unable to review the latest official version of the draft law on the organization of courts, OHCHR submitted some general comments to the Ministry of Justice in February 2014, some of which were integrated in a subsequent version. When the texts of the three draft laws were finally shared by the National Assembly with OHCHR one day before they were approved, OHCHR submitted further comments on them to the Assembly. Despite repeated requests from development partners, including OHCHR, and civil society, the drafts were not publicly released and consultations with relevant stakeholders were not organized.

25. OHCHR continued to advocate for the implementation of the Code of Criminal Procedure in accordance with international and national human rights standards. In particular, OHCHR worked closely with the Ministry of Justice to reform the pretrial detention process in order to introduce a requirement for legal reasoning in all judicial decisions ordering pretrial detention. The Minister of Justice approved a new court form that had been developed by senior judges, a process facilitated by OHCHR drawing on best practices from the Extraordinary Chambers in the Courts of Cambodia. The new form was sent to all courts in January 2014. The Ministry of Justice and the Bar Association, with support from OHCHR, disseminated it during a national conference on pretrial detention in March 2014. Judges, prosecutors and lawyers from all provinces attended the conference, which was opened by the Minister of Justice. In order to advocate for and explain the form to local judges, prosecutors and lawyers, OHCHR and the Ministry of Justice organized a series of judicial round tables in the provinces as in previous years. The judicial round tables allowed practitioners from the Extraordinary Chambers to share their experiences with colleagues from 13 (of 24) provinces. The meetings also allowed the Ministry of Justice to collect suggestions from judicial and legal practitioners on possible amendments to the Code of Criminal Procedure.

26. OHCHR continued to support regular meetings between the police, members of the judiciary and prison officials in the provinces, especially in the north-west of the country through its Battambang regional office, to improve cooperation within the criminal justice system and discuss issues related to the implementation of the Code of Criminal Procedure. During the reporting period, OHCHR supported six such provincial meetings. OHCHR conducted training in the provinces, in cooperation with chief prosecutors, for police and gendarmerie officers on the prevention, investigation and prosecution of acts of torture and ill-treatment. OHCHR followed up on the training sessions conducted during previous reporting periods through visits to police stations at the district level to further disseminate the relevant international human rights standards. In addition, OHCHR organized joint visits with prosecutors to police stations, allowing prosecutors to interact with local police officers, check police registry books and inspect police cells. Most local prosecutors had never previously visited those police stations. Finally, OHCHR translated into Khmer and published the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

27. Cooperation between OHCHR and the Bar Association remained excellent. Both jointly advocated for improved access to justice through the establishment of a legal aid system. Currently, legal aid is mainly funded by donors through grants to legal aid NGOs. The Legal Aid Department of the Bar Association receives very little government funding. The Bar Association and the Ministry of Justice, with support from OHCHR and the United Nations Children's Fund (UNICEF), organized a national legal aid conference in November 2013. The conference was attended by judges, prosecutors and legal aid lawyers from across the country. At the conference, the Government announced that the national legal aid budget would be increased in 2014 and pledged further increases in future years. However, the transfer of the management of the legal aid budget from the Bar Association to the Ministry of Justice, also announced at the conference, has led to a decrease in the number of persons benefiting from legal aid. OHCHR translated into Khmer and published the recently adopted United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (General Assembly resolution 67/187).

28. OHCHR and the Bar Association began working on a new law on the bar. The current Law on the Bar dates back to 1995 and the Bar Association has expressed strong interest in it being updated. A working group was formed in July 2013 and met on several occasions to discuss possible amendments. OHCHR provided support for the meetings and technical assistance during the discussions.

29. OHCHR organized a third, expanded edition of the Fair Trial Rights Academy. This time, the eight-week course was delivered to a group of 59 trainee lawyers at the Lawyer Training Center. During the course, the trainee lawyers learned about fair trial rights and how they are applied at the Extraordinary Chambers in the Courts of Cambodia, and toured the Chambers. Following positive feedback from the participants, the Bar Association asked OHCHR and the Swedish Raoul Wallenberg Institute to develop a 30-hour human rights module which will henceforth form a standard part of the curriculum for all trainee lawyers in Cambodia.

30. During the reporting period, OHCHR followed up cases involving human rights violations, 14 of which were followed particularly closely. In all cases, OHCHR liaised with judges, prosecutors and lawyers on the progress. In some cases, OHCHR assisted victims in finding a lawyer to defend them. In seven cases, OHCHR worked directly with lawyers to assist them in defending cases through improved use of human rights-based arguments before the courts. Through this work, several human rights issues have been brought to the attention of judges with some degree of success. In one case, the Supreme Court made several references to the International Covenant on Civil and Political Rights in

its judgment. During the reporting period, nine cases reached the trial stage; OHCHR closely followed the hearings.

31. OHCHR continued to work closely with the Court of Appeal to reduce the backlog of long-pending cases. OHCHR visited a number of prisons nationwide to identify the remaining appeal cases which had been pending for more than five years, having previously seen the backlog of cases pending for more than ten years cleared. OHCHR will again collaborate with a legal aid organization (International Bridges to Justice) to provide legal assistance. After several years of concerted joint efforts between OHCHR, the Court of Appeal, the General Department of Prisons and legal aid organizations, much of the backlog of the longest-pending appeal cases has now been cleared.

32. OHCHR work on promoting the legacy of the Extraordinary Chambers in the Courts of Cambodia has enjoyed some success during the reporting period. As previously mentioned, senior judges and the Ministry of Justice were persuaded to examine best practices from the Extraordinary Chambers when reforming the pretrial detention process. In addition, the publication by OHCHR in March 2014, of the *Annotated Cambodian Code of Criminal Procedure – Annotations to ECCC and select international jurisprudence*,[2] in English and Khmer made available a valuable new resource for Cambodian legal practitioners. It was the result of a three-year project and was printed with funding from United States Agency for International Development and the British Embassy in Cambodia. More than 1,500 copies have been distributed to judges, prosecutors, lawyers, academics and law students and it continues to be in high demand. Finally, OHCHR organized, in collaboration with the Bar Association, a series of legal dialogues between lawyers working at the Extraordinary Chambers (defence and civil party lawyers) and lawyers working in the domestic system.

IV. Protecting economic and social rights

33. The OHCHR Economic and Social Rights Programme, previously the Land and Housing Rights Programme, was renamed to reflect its expanded focus, although it continues to focus primarily on land and housing rights issues. Through it, OHCHR works to promote and protect the right to adequate housing and an adequate standard of living, prevent forced eviction and promote security of tenure with the understanding that adequate housing is a precondition for the enjoyment of many other economic and social rights, including the rights to work, health and education.

34. While there has been little change in the resolution of disputes or security of tenure in most informal urban settlements during the reporting period, the Government continues to implement its directive No. 001 on private land titling, including in rural areas on and around economic land concessions and logging concessions, and areas administered by the Ministry of Agriculture, Forestry and Fisheries and the Ministry of the Environment. Directive No. 001 was issued by the Prime Minister on 7 May 2012 to temporarily halt the granting of new economic land concessions. The directive also called for a review of existing concessions and the implementation of a "leopard-skin" policy, by which the boundaries of existing communities and private titles contained within conceded land would be demarcated and excluded from concessions, and the land titles thereon would be granted.

35. According to government figures, as of April 2014, more than 500,000 land titles had been delivered under the campaign. The Ministry of Land Management, Urban

[2] Available from http://cambodia.ohchr.org.

Planning and Construction declared that more than 1 million hectares of land, 340,000 hectares of which was returned by 128 different economic land concessionaires, had been reclassified in order to provide ownership to citizens. One of the stated aims of the campaign was to reduce the number of rural land disputes. However, a number of irregularities regarding the process were reported to OHCHR throughout the reporting period, such as the lack of clarity with regard to selection criteria for the surveying and titling of lands. Not all lands have been surveyed and even some families who had their land surveyed have yet to receive titles. While a welcome initiative, directive No. 001 has not holistically addressed disputed lands nationwide and a number of existing disputes remained unresolved, while some previously dormant disputes have resurfaced.

36. During the reporting period, OHCHR monitored 71 ongoing and unresolved land disputes between affected communities, authorities and businesses in both rural and urban areas combined. Of those disputes, 31 related to economic and other land concessions (including 12 on land long occupied by indigenous peoples and 14 cases affected by the implementation of directive No. 001), while 40 disputes related to other land transactions (including two on land long occupied by indigenous peoples and four cases affected by the implementation of directive No. 001). OHCHR activities in this area included the facilitation of dialogue, court monitoring and provision of legal and procedural advice.

37. While the moratorium on the granting of economic land concessions remained in place, the comprehensive review of existing concessions ordered under directive No. 001 had not been conducted at the time of drafting. Access to information and a lack of transparency and accountability in the land-titling process and the management of land concessions remain serious concerns. Cases of focus for OHCHR included concessions granted within protected areas, such as national parks, wildlife sanctuaries, protected forests and areas inhabited by indigenous peoples. In the absence of complete official data made available by the Ministry of Agriculture, Forestry and Fisheries and other government entities, OHCHR continued to provide support for a non-governmental open-data source which makes available in one location information on land concessions by province and by company, and includes briefings on thematic issues.

38. During the reporting period, confrontations (at times violent) were witnessed between individuals, communities, housing rights activists and authorities, police and the military. In 2014, OHCHR recorded a sharp rise in the number of violent forced evictions of individuals, families and communities from disputed rural land. Incidents included the burning and bulldozing of houses and shelters, often without notice or court orders mandating the action, and arbitrary detention of those who defended their property. This followed a period of relative calm during the period preceding and immediately following the July 2013 national elections.

39. OHCHR monitored and intervened in demonstrations and protests related to land and housing, in order to prevent violence, seek a negotiated outcome and secure the release of persons who had been arbitrarily detained. OHCHR witnessed a number of incidents of excessive use of force by the authorities, but also, in the absence of effective dispute resolution mechanisms, the use of tactics by protestors such as the blocking of main roads, the destruction of company property, the seizure of illicit timber and confrontations with authorities and business representatives.

40. OHCHR supported the consultation process for a bill on environmental impact assessments led by the Ministry of the Environment, as well as provided written advice on the harmonization of the current draft of the white paper on land policy with international standards on transparency, public participation and access to information, gender, the responsibility of business enterprises, free, prior and informed consent, resettlement, and grievance mechanisms and dispute resolution processes.

41. The Government reported in April 2014 that almost 2.3 million land titles had been delivered under the country's Land Administration Sub-Sector Program throughout 24 provinces. OHCHR case work is specifically focused on the promotion of tenure security and the prevention of eviction and resettlement, including the promotion of equitable consultation processes, the securing of adequate compensation and, when necessary, the improvement of planning for relocation. Living standards at relocation sites, including access to employment and basic facilities and services essential for health, security and nutrition, were assessed. Conditions at relocation sites monitored by OHCHR generally remained poor. OHCHR advocated for the right of access to safe water and sanitation and, in collaboration with local civil society organizations, provided water filters to 190 families in seven communities who were identified as urban poor communities lacking appropriate sources of clean drinking water.

42. On the promotion of indigenous peoples' land rights, OHCHR worked closely with the Ministry of Rural Development and the Ministry of Interior. In collaboration with ILO and other development partners, it monitored and supported efforts nationwide by indigenous peoples to organize and obtain recognition as legal entities, and to apply for collective land titles, as set out in domestic law. The process for applying for communal land titles is complex, expensive and slow and thus inaccessible for most indigenous communities. Significant gains have been made in granting recognition to indigenous communities as legal entities by the Ministry of Rural Development. Nevertheless, the exploitation of land inhabited by indigenous peoples, including through the granting of land concessions, has outpaced the establishment of secure tenure for most communities. The State regularly fails to consult with indigenous peoples or to obtain their free and informed consent prior to adopting administrative measures or projects which may affect the enjoyment of their land and other rights. The Land Law, which gives a legal basis to indigenous identity, also recognizes the State's right to issue land concessions; between the competing demands of protecting the legal identity of indigenous peoples[3] and granting economic land concessions,[4] priority has been given to land concessions.

43. Where necessary and possible, OHCHR provided legal assistance to communities in completing registration as legal entities with the Government, and to submit their applications for collective land titles. For instance, OHCHR provided financial and technical support to three communities of Suoy indigenous people in Aoral district (Kampong Speu province), one Por community in Samlot district (Battambang province) and seven Phnong villages in Bousra commune (Mondulkiri province). OHCHR co-organized, in April 2014, the National Workshop on Indigenous Communal Land Titles

[3] The number of communal land titles issued to indigenous communities since 2001 amount to eight, according to the German Agency for International Cooperation (GIZ). GIZ has been providing capacity development to the Ministry of Land Management, Urban Planning and Construction and supporting the design and implementation of the Cambodian Land Administration, Management and Distribution Program.
For details, see: http://giz-cambodia.com/wordpress/wp-content/uploads/FactSheet-Land-Rights-final-09.01.pdf.

[4] In contrast, the number of economic land concessions granted since 2001 number in the hundreds. The Ministry of Agriculture, Forestry and Fisheries has stated that 118 economic land concessions were issued, covering a total of 1,204,750 hectares, prior to the ban in May 2012 (see www.elc.maff.gov.kh/). NGOs such as Open Development Cambodia and LICADHO estimate that the true number is far higher. Open Development Cambodia estimate that 343 economic land concessions have been issued (see www.opendevelopmentcambodia.net/company-profiles/economic-land-concessions/). LICADHO estimates that a total of 2.1 million hectares of land has been transferred mostly from subsistence farmers into the hands of industrial agriculture firms (see www.licadho-cambodia.org/concession_timelapse/).

with the Ministry of Rural Development and a working group of NGOs to address key challenges in the process. OHCHR-Cambodia assisted in facilitating the representation of indigenous communities from seven different provinces during the workshop. OHCHR contributed to advocacy more generally for indigenous peoples' land rights and cultural and linguistic rights through the media, including through press statements, publications and video.

44. In view of the growing influence of businesses on the enjoyment of human rights, OHCHR expanded its work in this area through awareness-raising and capacity-building initiatives. OHCHR targeted government ministries and officials, civil society organizations, community representatives and business actors, including through chambers of commerce, to increase their understanding of the Guiding Principles on Business and Human Rights and their application in Cambodia. OHCHR gave presentations at nine seminars and consultations for civil society, reaching more than 350 representatives of NGOs and indigenous communities nationwide, and supported the building of greater capacity for civil society to access non-judicial mechanisms for addressing business-related human rights impact at the operational, national and international levels. In addition, approximately 5,000 Khmer and English copies of the Guiding Principles and 2,000 copies of the OHCHR *Picture Book on Business and Human Rights: Protect, Respect and Remedy Framework* (2013) were distributed.

45. Furthermore, OHCHR reached out to businesses directly to engage them in discussions on the implications of their operations. In December 2013, it hosted a visit by Puvan Selvanathan, a member of the Working Group on the issue of human rights and transnational corporations and other business enterprises, during which OHCHR co-organized a training session on business and human rights with the Cambodia Human Rights Committee, in which nine Government ministries and the Council for the Development of Cambodia participated. As the strikes for a higher minimum wage gained momentum in the second half of 2013, OHCHR engaged with various chambers of commerce, buyers for the leading international brands contracting work in Cambodia and the Garment Manufacturers Association in Cambodia, as well as the concerned ministries and ILO. OHCHR also continued to monitor the major labour strikes, particularly those where there was a risk of violence. At the time of drafting, the situation remains to be resolved, although progress is visible in the establishment of a proper wage determination mechanism that might peacefully settle the level of the minimum wage in the future by ensuring regular updates in a manner agreed to by all concerned parties.

V. Supporting prison reform

46. The OHCHR Prison Reform Support Programme in the country is implemented in partnership with the General Department of Prisons of the Ministry of Interior. Specifically, OHCHR aims to bring the legal framework relating to prisons in line with constitutional guarantees and international human rights norms; assist the General Department of Prisons in developing a professional training programme for prison staff integrating human rights throughout the curriculum; improve prison conditions and the treatment of prisoners; and strengthen the protection of prisoners against torture and ill-treatment through regular monitoring.

47. OHCHR support since 2010 has yielded results with the promulgation of the new Royal Decree on the Separate Status of Prison Staff in August 2013. The new Decree replaced the previous Royal Decree adopted in 2000, which separated prisons from police but only created a cadre of junior prison guards, whereas higher ranking officers were still part of the police. Now, all staff are recognized as prison staff with a distinct mission, in accordance with international standards. The Decree creates a career path, reinforced with

professional training, and improves the status of the profession in terms of educational requirements, remuneration and equivalences with the wider civil service. However, the final text also allows that, in the case of a lack of funding for professional training, new recruits can be confirmed as permanent staff after one year of service, even without initial formal training: a possibility that does not exist in other professions with separate status.

48. OHCHR continued to advocate for the review of the legal framework governing sentence reduction and pardon and provided written advice to the Ministry of Interior in July 2013 on strengthening its compliance with human rights law. The latest draft royal decree on sentence reduction and pardon includes provisions for the application of sentence reduction and pardon on medical and humanitarian grounds, as guaranteed under the 2011 Law on Prisons, the International Covenant on Civil and Political Rights and other international standards. OHCHR continued to advocate with the Ministry of Interior to include in the final drafting of the decree the relevant principles of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), which provide for special attention to be given to pregnant women and women with children. OHCHR reached an agreement with the Ministry of Interior to help organize a joint workshop with the Ministry of Justice to review the final draft.

49. OHCHR continued to collaborate with trainers from the General Department of Prisons and the Police Academy of Cambodia to improve the quality of training for all prison staff. In September and October 2013, OHCHR organized two study visits for trainers of prison staff to two correctional centres and three provincial prisons. Through those visits, the trainers obtained feedback from relevant prison managers and former prison staff trainees on how to improve future training programmes. The visits helped trainers to garner practical examples and provide guidance to trainees throughout the course. OHCHR also supported the organization of two meetings of the trainers from the General Department of Prisons and the Police Academy of Cambodia in order to discuss challenges and strategies to improve their training curriculum. As a result, the trainers agreed to amend some of the training content, sessions and methodologies when they prepared the 2014 training plan. The Khmer version of an international handbook on the human rights-based approach to prison management produced by OHCHR was shared with the training team and widely distributed to prison authorities at national and provincial levels, other relevant stakeholders and civil society partners.

50. OHCHR provided advice on the draft five-year strategic plan of the General Department of Prisons (2014–2018) in July 2013, based on the relevant international human rights norms and its own assessment of the progress achieved and challenges remaining in prisons. The Office further supported the first inclusive national consultative workshop of the General Department of Prisons on the draft strategic plan in December 2013, which convened representatives from relevant government institutions and civil society organizations to review and refine the final draft. In 2014, OHCHR helped the General Department of Prisons print 500 copies of the final strategic plan in Khmer for dissemination nationwide. The plan guides the prison authorities and civil society organizations in developing an annual action plan for achieving the goals of prison reform policy.

51. OHCHR continued its independent monitoring of prisons, which helps inform its programme of support and advocacy for the protection and promotion of prisoners' rights in Cambodia. Authorization for unrestricted access to prisons by OHCHR was renewed by the General Department of Prisons for 2014. The Office continued to combine comprehensive prison visits and targeted visits to specific individuals or groups of prisoners of concern. In November 2013, OHCHR carried out a first official joint monitoring visit (to Battambang prison) with officials from the Cambodian mechanisms established under the Optional

Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Following the ratification of the Optional Protocol in 2007, the Government established in 2009 and 2010 an interministerial committee and a secretariat thereto, respectively, and designated them as "the national preventive mechanism", but there is as yet no law establishing a mechanism compliant with the requirements of the Optional Protocol. To enhance the knowledge about detention monitoring of the members of the governmental national preventive mechanism and in addition to the first joint visit to Battambang prison, OHCHR made available in Khmer two briefing notes of the Association for the Prevention of Torture entitled "Mitigating of the risks of sanctions related to detention monitoring" and "The selection of persons to interview in the context of preventive detention monitoring".

52. In December 2013, Cambodia hosted a follow-up visit of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. OHCHR, the Subcommittee and the governmental national preventive mechanism jointly conducted a national workshop on the establishment of an independent national preventive mechanism in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and the requirements of the Optional Protocol. OHCHR commissioned for the workshop a study on comparative legislation by the Association for the Prevention of Torture, which enabled a discussion on successful experiences in establishing an independent mechanism in other countries. However, no progress has been seen on drawing up a law to establish an independent mechanism at the time of drafting of the present report. The Chairperson of the governmental mechanism called for a review of the effectiveness of the existing mechanism before embarking on drafting a law.

53. OHCHR continued to promote prisoners' right to the highest attainable standard of health. In addition to the promotion of sentence reduction and pardon for medical reasons, that also included continued advocacy and support for secured hospital rooms for sick prisoners, to obviate the need to chain up prisoners in need of medical treatment. Building on successful examples from the previous reporting period, OHCHR worked extensively with provincial health departments, medical NGOs and national and provincial prison authorities to secure rooms at the referral hospitals of four more provinces. Of the 26 provinces in Cambodia, 15 have now secured rooms or are in the process of securing rooms for sick prisoners at referral hospitals. While OHCHR initially took the lead on this matter, NGOs working on health in prison have now begun to replicate the initiative.

54. Previous OHCHR support for disaster preparedness in the prison system paid off in October 2013 when Banteay Meanchey prison's wall collapsed during floods and the authorities proved ready to promptly and safely evacuate all prisoners to Battambang and Siem Reap prisons. OHCHR provided thousands of sandbags, 100 litres of fuel for pumping water from the prison compounds, renovation materials for the reparation of the damaged flood-defence shield and hygienic supplies to prisons in five affected provinces.

55. OHCHR continued to provide technical and material assistance to improve prison facilities, in line with monitoring recommendations and the still-to-be-adopted *Prakas* on Minimum Standards for Prison Construction (sub-legislation required under the 2011 Law on Prisons). The Office's support contributed in particular to improving natural light and ventilation in Battambang and Takeo prisons and the use of space to mitigate prison overcrowding in women's cells at Correctional Centre 2. For several years, OHCHR had repeatedly raised the issue of the substandard nature of the prisons of Oddar Meanchey and Pailin provinces. In 2014, the Government allocated funds to build new prisons in both provinces.

56. In consultation with the General Department of Prisons, OHCHR drafted educational posters on the rights of prisoners and on family visits. It continued to work

closely with prison registry officers to update the lists of prisoners held pending appeal, or otherwise not having had their final judgements passed down, for follow-up with the courts.

VI. Public information and human rights education

57. The Office continued its public communications and advocacy work nationwide to better promote human rights and address specific thematic issues and the needs of diverse audiences. Using a range of information tools, the Office reached out to various sectors of society, including academic institutions, the media, government officials and communities in remote provinces. In partnership with the Ministry of Information, OHCHR conducted a training session entitled "A human rights-based approach to journalism" in Siem Reap in August 2013 for media professionals from the north-western provinces.

58. During the reporting period, the dissemination of publications and other information materials by OHCHR increased in both English and Khmer. At the time of drafting, OHCHR Cambodia had printed over 30 titles in the two languages. In 2013, OHCHR published several new books including the *Annotated Criminal Procedure Code* in English and Khmer and *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law* in Khmer.

59. Other relevant human rights materials produced in Khmer by the Office include legal texts, instruments, guidelines and factsheets. Additionally, OHCHR produced a number of promotional and informational materials, such as flyers, banners or posters to support the work of its substantive programmes. To date, the Office has distributed over 120,000 copies of publications and other information materials among government institutions, students, law professionals, journalists, NGO partners and the general public. The Office continued its popular practice of opening its doors to the general public one day a week, at which time any interested person could come to obtain human rights materials of interest.

60. The Office commemorated key international days such as Human Rights Day (in multiple activities organized by national and international partners), World Press Freedom Day (with UNESCO), the International Day Against Homophobia and Transphobia (with the Joint United Nations Programme on HIV/AIDS), International Women's Day (with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women)), International Labour Day (with ILO), the United Nations International Day in Support of Victims of Torture, etc. OHCHR organized or joined commemoration events, distributed promotional and informational materials and issued articles to increase awareness. On Human Rights Day 2013, OHCHR contributed to numerous activities organized by local and national authorities, development partners and civil society organizations, and published an opinion piece.

61. One of the Office's key information dissemination tools is its website. OHCHR maintains a bilingual website, which continues to be the only United Nations web presence in Khmer. All statements and publications of the Office and relevant information from Headquarters are translated and posted online in a timely manner. Materials of the United Nations and the international human rights mechanisms on Cambodia continued to be updated regularly on the website, as were the activities and highlights from the work of the Office. During the reporting period, the Office embarked on a redesign of the website and its upgrading into a dynamic website to facilitate its updating, drawing on the latest web technology.

VII. Supporting engagement with the international human rights mechanisms

62. During the reporting period, OHCHR continued to advocate for the ratification of the International Convention on the Rights of All Migrant Workers and Members of Their Families. OHCHR and UN-Women organized a series of briefings for the interministerial working group responsible for examining the question of ratifying the Convention. The Government agreed in principle to ratify it and accepted three relevant recommendations during the country's universal periodic review in 2014.

63. On the occasion of World Day against the Death Penalty, OHCHR published an opinion piece welcoming Cambodia's long-standing moratorium of the death penalty and encouraging the Government to further set an example for the whole region by ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. On the same day, OHCHR organized a briefing on the topic for government officials from the relevant ministries, jointly with the European Union.

64. The implementation by Cambodia of the Convention on the Elimination of All Forms of Discrimination against Women was examined by the Committee on the Elimination of Discrimination against Women in October 2013. OHCHR and UN-Women organized a mock session for the Government delegation ahead of the session. After the session, assistance was provided to help disseminate the concluding observations issued by the Committee. In December 2013, OHCHR and UN-Women published a joint opinion piece on the concluding observations. They also organized a workshop with relevant government officials and civil society in order to discuss strategies for the implementation of the concluding observations.

65. OHCHR and UN-Women continued to organize training sessions for NGOs and lawyers on how to submit communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Such training sessions were organized in August 2013 and May 2014. OHCHR also provided advice to individual lawyers who planned to submit communications.

66. Following the ratification of the Convention on the Rights of Persons with Disabilities, OHCHR organized in August 2013 a two-day training workshop for the Secretariat of the Disability Action Council on the Convention. Upon a request from that Council, OHCHR delivered another training session focused on reporting under that Convention in November 2013. In that regard, OHCHR translated into Khmer the Committee's reporting guidelines and its first two general comments.

67. The human rights situation in Cambodia was examined for the second time by the Human Rights Council under the universal periodic review process in January 2014. Ahead of the session in Geneva, OHCHR provided a briefing to the government delegation and briefings to diplomats and to civil society organizations on the process. Recommendations made as part of the universal periodic review process serve as a basis for many activities and points of advocacy for OHCHR and other development partners. For example, through the Technical Working Group on land and housing, the encouragement of the development partners resulted in several recommendations on land and housing rights, which have been reflected in the Government's National Strategic Development Plan 2014–2018.

68. In March 2014, OHCHR organized a one-day workshop with the Cambodian Human Rights Action Committee for civil society organizations on shadow reporting under the International Covenant on Civil and Political Rights. The government report under the Covenant is due to be examined by the Human Rights Committee in March 2015.

69. OHCHR provided support to the follow-up visit of the Subcommittee on Prevention of Torture to Cambodia in December 2013. The purpose of the visit was for the Subcommittee to follow up on its earlier recommendations, particularly with regard to the establishment of an independent national preventive mechanism compliant with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The members made unannounced visits to places of detention, including prisons, police stations and drug rehabilitation centres, met with the relevant authorities, and transmitted a confidential report to the Government.

70. OHCHR supported a visit by the Special Rapporteur on the situation of human rights in Cambodia in January and June 2014. The visits focused on assessing the progress made toward the establishment of an independent national human rights institution and following up on the recommendations from his previous four substantive reports, and will be reported on by the Special Rapporteur.